Court No.2.

Writ Petition No. 258of 2003 (S/B)

Dr. Chandra Singh Hyanki …….. Petitioner

Vs.

State of Uttaranchal and Others ……. Respondents

…….

Hon. P.C. Verma, A.C.J.

Hon. Irshad Hussain, J.

Heard Sri P. S. Adhikari, learned counsel for the petitioner and learned C.S.C.

This writ petition is directed against the suspension order dated 27.3.2003 passed by the State Government contained in Annexure 10 to the writ petition.

A perusal of the suspension order shows that the charges against the petitioner are of serious nature. We inquired from the learned Chief Standing Counsel about the progress of inquiry proceedings. Learned C.S.C. on the instructions received submitted that the charge-sheet has been prepared and will be served very soon. Putting an employee under suspension itself amounts to a punishment, though in the literal meaning of suspension, it is not a punishment, but mental agony suffered by the delinquent and loss of his reputation is also there when the delinquent is kept under suspension for a long period. Therefore, we provide that the charge sheet shall be served on the petitioner within a period of three days from the date of service of certified copy of this order. The inquiry officer shall conclude the inquiry within a period of one month thereafter and the petitioner shall fully cooperate with the inquiry. The inquiry officer shall send report within three days from the completion of inquiry and the appointing authority/punishing authority shall take a decision within fifteen days from the receipt of inquiry report.

If the inquiry is not concluded and decision is not taken as per schedule hereinabove, suspension order shall stand revoked. The subsistence allowance shall be paid within a period of fifteen days from today.

With the aforesaid observation, the petition is disposed of finally.

Let a copy of this order be issued to day on payment of usual charges. Learned counsel for the petitioner shall serve a copy of this order on the respondents within three days.

(P.C. Verma, A.C.J.) **(Irshad Hussain.J.)**

Dt. 06.6.2003

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